

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

FILED 11/18/04

CLERK OF COURT

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

Subfile No. CHRB-007-0003

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico *ex rel.* State Engineer and Defendants:

BUNNY PEPER
DOUGLAS C. PEPER

concerning the Defendants' right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendants are in agreement concerning the elements of the Defendants' right to divert and use the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, and by their signatures appearing below, the State and the Defendants have approved and accepted the elements of Defendants' water rights as set forth in paragraph 4 herein.

3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendants adjudicated by this order.
4. The right of the Defendants to divert and use the public waters from the Rio Chama Stream System, Rio Brazos, Section 7, is set forth below:

A. **PONDS (Surface Water Only):**

Office of the State Engineer File No. 4677

Priority: February 11, 1997

Source of Water: Surface water of the Rio Brazos, a tributary of the Rio Chama

Purpose of Use: FRESH WATER CIRCULATION FOR FISH PONDS

Point of Diversion:

Ditch: DOUGLAS C. PEPER FISH PONDS PIPELINE

LOCATION: X = 1,546,923 feet Y = 2,091,073 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location of Impoundments:

Within the Tierra Amarilla Grant	<u>0.6 acres</u>
Total	0.6 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHRB-007-0003

Amount of Water:

150.82 acre-feet per annum from November 15th through April 15th. The maximum rate of diversion is limited to 0.5 cubic feet per second and at no time shall the diversion rate be greater than one-half of the total flow of the Rio Brazos above the point of diversion. Water diverted is for non-consumptive use and shall be returned to the river undiminished in quantity and quality.

5. The surface water rights of Defendants described in paragraph 4 above are subject to all the conditions of approval listed in Office of the State Engineer Permit No. 4677 approved on

July 2, 1997.

6. Defendants have no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
7. Defendants, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the water rights described herein.
8. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendants to divert and use the waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth herein. The Defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Subfile Order as a final judgment as to the elements of the Defendants' water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:



VICKIE L. GABIN
SPECIAL MASTER












ACCEPTED: Bunny Peper
Bunny Peper
ADDRESS: HC 75 Box 164
Chama N.M.
87520
DATE: 9-27-04

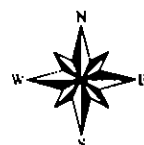
ACCEPTED: Douglas C. Peper
Douglas C. Peper
ADDRESS: HC 75 Box 164
Chama N.M. 87520

ED Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
10.4.04
Date



LEGEND

- | | |
|---|--|
|  Irregular Tract Boundary |  Point of Inversion |
|  No Irregular Tract Boundary |  Well |
|  Deepen Area |  Spring |
|  Operative Ditch |  Falls |
|  Irrigative Ditch |  No Right |
|  State Highways / Expressway | |



1 inch = 200 feet
 0 50 100 200
 Feet

STATE OF NEW MEXICO
 Office of the State Engineer
 John R. D'Antonio, Jr., P.E.,
 State Engineer

Rio Chama Hydrographic Survey
 Rio Brazos Section

Subfile Number
CHRB 007-0003
 Douglas C. Peper
 Fish Ponds Pipeline
 AMENDED
 August 3, 2004

